

12/31/03 Image Receipt  
In The United States Patent and Trademark Office

Appn. No.: 09/928,911  
Appn. Filed: 08/13/01  
Applicant: Mark Zamoyski  
Title: Compositions and Methods for Treating Lung Cancers and COPD  
Examiner: Jerome D. Goldberg  
GAU: 1614

### Response to Notice - Correction Requested

Commissioner for Patents

The "Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing" mailed November 19, 2003 (copy attached) contains erroneous statements that applicant would like to have corrected for the record.

The communication states "Applicant's rescission of the previously filed nonpublication request and/or notice of foreign filing is acknowledged." I am the applicant and I have never requested a rescission of the nonpublication request.

A brief chronology relating this application is as follows: Application 09/928/911 is a Continuation In Part of an application originally filed on 8/11/98. The filing receipt showing the acknowledgment of the non publication request is attached.

As the patent application was pending examination, applicant made several updates to the application over time.

- On 12/17/01 applicant provided substitute claims for those included with the original application.
- On 9/10/02 applicant provided an IDS and revised specifications that included 3 patents that had recently issued and were relevant to the application.
- On 8/7/03 applicant provided substitute black and white drawing to replace the color ones previously filed and replaced 3 pages of the specifications for a minor technical correction.

On 10/07/03 applicant received an office action from a preliminary examination of the application that determined there were three distinct inventions inherent in the application and applicant was instructed to restrict the application to one of the 3 inventions. In response to this office action applicant restricted the claims to Inhalable Chemotherapy for Lung Cancers on 10/25/03, filed a divisional application for "Inhalable Inhibitors of Inflammation in the Respiratory Tract" on 10/25/03, and filed a divisional application for "Inhalable Chemical Debridement for COPD" on 10/30/03. Both of the divisional applications also contained the non publication request and a copy of both are attached.

Applicant respectfully requests that the record be corrected to reflect that applicant has never rescinded the nonpublication request.

Very respectfully,



Mark Zamoyski  
Applicant Pro Se  
988 Foothill Drive, San Jose, CA 95123  
Tel: 408-365-1170 Fax: 408-365-9898

**Certificate of Mailing:** Deposited with the U.S. Postal Service as express mail in an envelope addressed to: " COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450"

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Date Mailed:

12/30/03

**In the United States Patent and Trademark Office**

Box Patent Application  
Commissioner for Patents  
Washington, District of Columbia 20231



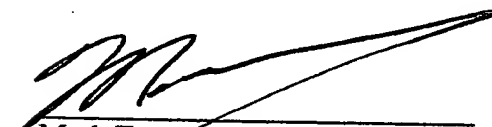
Please file the following enclosed patent application papers. This is a division of Ser. Nr. 09/928/911 filed 08/13/2001.

Applicant Name: **Mark Zamoyски**

Title: **Inhalable Inhibitors of Inflammation in the Respiratory Tract**

- ☒ Specifications, Claims, and Abstract ( 21 pages).
- ☒ Drawings (3 pages)
- ☒ Declaration: Date Signed 10/25/03
- ☒ Applicant Qualifies for and Claims Small Entity Status
- ☒ Payment by check in the amount of: \$ 375 for Filing Fee  
(not more than three independent claims and twenty total claims are presented)
- ☒ Information Disclosure Statement By Applicant
- ☒ **Request Under MPEP § 707.07(j):** The undersigned, a pro se applicant, respectfully requests that if the Examiner finds patentable subject matter disclosed in this application, but feels that Applicant's present claims are not entirely suitable, the Examiner draft one or more allowable claims for applicant .
- ☒ **Request for Non Publication:** The undersigned requests that this application not be published 18 months after filing under 35 USC 122(6)(1). The undersigned certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country or under a multilateral international agreement that requires publication of application 18 months after filing. The undersigned understands that if this application is filed in a foreign country or under such a multilateral international agreement, the PTO must be notified of such filing or the application will be regarded as abandoned.

Very respectfully,

  
Mark Zamoyски, Applicant Pro Se  
988 Foothill Drive, San Jose, CA 95123  
Tel: 408-365-1170

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EU 571938355 US

Dat Mailed: 10/25/03

**In the United States Patent and Trademark Office**

Box Patent Application

Commissioner for Patents

Washington, District of Columbia 20231

Please file the following enclosed patent application papers. This is a division of Ser. Nr. 09/928/911 filed 08/13/2001.

Applicant Name: **Mark Zamoyski**

Title: **Inhalable Chemical Debridement for COPD**

☒ Specifications, Claims, and Abstract ( 25 pages).

☒ Drawings (5 pages)

☒ Declaration: Date Signed 10/30/03

☒ Applicant Qualifies for and Claims Small Entity Status

☒ Payment by check in the amount of: \$ 375 for Filing Fee  
(not more than three independent claims and twenty total claims are presented)

☒ Information Disclosure Statement By Applicant

☒ **Request Under MPEP § 707.07(j):** The undersigned, a pro se applicant, respectfully requests that if the Examiner finds patentable subject matter disclosed in this application, but feels that Applicant's present claims are not entirely suitable, the Examiner draft one or more allowable claims for applicant .

☒ **Request for Non Publication:** The undersigned requests that this application not be published 18 months after filing under 35 USC 122(6)(1). The undersigned certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country or under a multilateral international agreement that requires publication of application 18 months after filing. The undersigned understands that if this application is filed in a foreign country or under such a multilateral international agreement, the PTO must be notified of such filing or the application will be regarded as abandoned.

Very respectfully,



Mark Zamoyski, Applicant Pro Se  
988 Foothill Drive, San Jose, CA 95123  
Tel: 408-365-1170

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EU 181783365 US

Date Mailed:

10/30/03


**UNITED STATES PATENT AND TRADEMARK OFFICE**

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/928,911	08/13/2001	1624	420		4	8	3

**CONFIRMATION NO. 7984**
**UPDATED FILING RECEIPT**


\*OC000000006937419\*

Mark Zamoyski  
988 Foothill Drive  
San Jose, CA 95123

Date Mailed: 10/19/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Mark Zamoyski, San Jose, CA;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A CIP OF 09/132,153 08/11/1998

**Foreign Applications**

If Required, Foreign Filing License Granted 09/06/2001

**Projected Publication Date:** Request for Non-Publication Acknowledged

**Non-Publication Request:** Yes

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***
**Title**

Compositions and methods for treating lung cancers

**Preliminary Class**

514



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/928,911	08/13/2001	Mark Zamoyski	

Mark Zamoyski  
 988 Foothill Drive  
 San Jose, CA 95123



CONFIRMATION NO. 7984



\*OC000000011304899\*

Date Mailed: 11/19/2003

### Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 02/26/2004.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"<sup>1</sup> then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

<sup>1</sup> Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".